

Customer No. 25280

Case No. 5389

Remarks

Claims 4-12 were pending in this Application. Claim 4 has been amended. Claims 7-12 have been cancelled. Claims 15-16 have been added. Thus, claims 4-6 and 15-16 are subject to continued examination.

Formal Rejections:

Claims 4-6 were rejected as failing to comply with the written description requirement due to the recital of a tensile strength of at least "about" 3 g/den. In order to overcome this rejection, the term "about" has been removed. Accordingly, it is respectfully submitted that the rejection should not be maintained.

Claims 4-12 were rejected as being indefinite due to the language "having reduced shrinkage." The subject language has been removed. Accordingly, it is respectfully submitted that the rejection should not be maintained.

Obviousness Rejections

All claims were previously rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,560,734 issued to Fujishita et al. in view of JP 2001-081628 to Inoue (hereafter "Inoue"). Continued rejection on this basis is traversed and reconsideration is requested.

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The independent claim has been amended to positively recite that the carpet includes at least one backing layer disposed at a position below the base substrate and spaced apart from the base substrate with at least one layer of adhesive disposed at a position intermediate the base substrate and the backing layer. Moreover, the backing layer is recited as comprising polypropylene fibers with about 10 ppm to about 800 ppm of a nucleator compound.

As best understood, the primary reference to Fujishita et al. does not teach or suggest using a layer of polypropylene fibers with nucleator additives at a position removed from the tufting base. Thus, it is respectfully submitted that the art of record does not support a continued obviousness rejection. Applicants note that Fujishita et al. does not include any drawing of an actual carpet structure.

While a patentee may be his or her own lexicographer, in the absence of some drawing or explanation to the contrary, it must be assumed that terms within the cited art are being used in their ordinary accepted sense. Thus, for the sake of argument, even if Fujishita et al. suggests using polypropylene fibers with a nucleating additive within the tufting substrate, there does not appear to be any suggestion of forming polypropylene fibers with a nucleating additive into a backing layer disposed below the tufting substrate. Certainly there is no teaching of the use of an intermediate adhesive layer as claimed.

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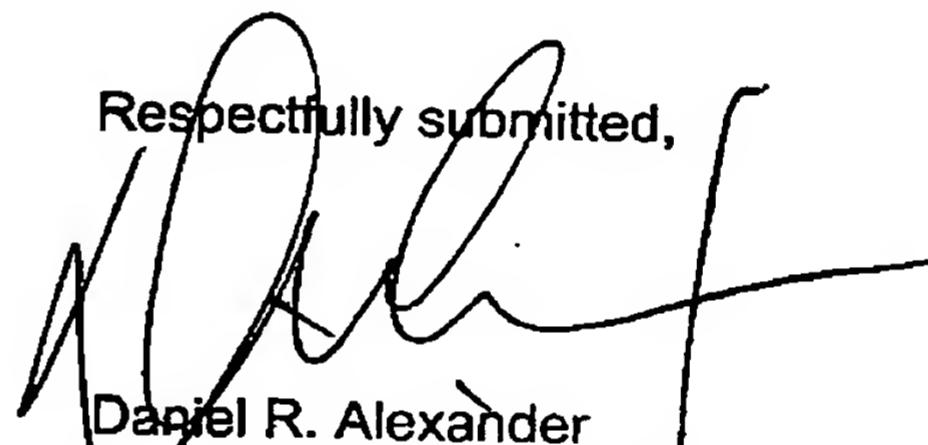
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Conclusion:

For the reasons set forth above, it is respectfully submitted that the cited art does not support continued rejection of the claims. Thus, Applicants respectfully request prompt allowance and passage to issue.

No extension fee is believed to be required. However, to any extent required for acceptance of this paper, an extension of time is hereby requested. In the event that there are additional fees associated with the submission of these papers (including extension of time fees), authorization is hereby provided to withdraw such fees from Deposit Account No. 04-0500.

April 11, 2005

Respectfully submitted,  
  
Daniel R. Alexander  
Attorney for Applicant(s)  
Registration Number 32,604  
Telephone: (864) 503-1372